

Burton D. Wechsler
First Amendment Moot Court Competition
-Rules of the Court-

October 22-24, 2009

Sponsored by:
Moot Court Honor Society
Washington College of Law
American University

I. PURPOSE OF THE COMPETITION

The purpose of the Burton D. Wechsler First Amendment Moot Court Competition is to stimulate student interest in current First Amendment law issues and to hone competitors' brief writing and oral advocacy skills.

II. COMPETITION COMMITTEE

The officers of the Competition will form the Competition Committee, which shall perform the duties assigned by the Moot Court Honor Society Constitution, these Bylaws, and the General Instructions of the Competition.

1. Directors: Ultimately responsible to the Moot Court Honor Society for the proper planning, preparation, and conduct of the Competition. The Directors shall enforce the regulations of the Competition set forth below. The Directors have sole and absolute discretion to resolve any dispute that arises from the interpretation or application of these rules. The Directors for the 2009 Competition are Christie Stahlke and Catrina Shivers.
2. Problem Drafter(s): Responsible to the Directors for all research and writing associated with producing the problem used during the Competition. This includes, but is not limited to, the production of the joint appendix and the bench memorandum (including suggested questions for use by competition judges) for the problem. The Problem Drafter for the 2009 Competition is Scott Daniel.
3. Assistant Directors: The Directors may have as many as three (3) assistants. The Assistants shall assist the Directors during all phases of planning, preparation, and execution of the Competition. The Assistants perform duties as assigned by the Directors, which may include, but are not limited to, assisting the Problem Drafter(s).

III. TEAMS

1. Each participating law school may enter either one or two teams.
2. Teams shall consist of at least two members, but no more than three members, selected by the participating law school.
3. Team members must share equally in brief-writing responsibilities. In the case of three-member teams, the third member may serve as an alternate oralist, or may share equally in oral advocacy responsibilities.
4. A school may not substitute team members at any time after the brief has been submitted. The Competition Directors reserve the right to allow a substitute to participate in oral arguments upon a showing of extreme hardship by the requesting team. An extreme hardship is classified as a *sudden, immediate, and*

unavoidable circumstance that makes the participation of any team member impossible.

5. A maximum of thirty-two (32) teams may participate in the Competition.
6. Each law school shall designate an email address to which information will be sent for all participants.
7. No team from the American University Washington College of Law may compete in the Burton D. Wechsler First Amendment Moot Court Competition. However, should there be an odd number of teams competing, a shell team may argue during preliminary rounds in order to supplement the extra team. Consistent with the blind-scoring policy, neither the opposing team nor the judges will be informed of the shell team's participation. Such shell team will be scored as a competing team, but will not advance into the elimination rounds.

IV. BRIEFS

1. Each team will be designated as a petitioner or respondent for the purpose of writing the brief. Each team must submit only one brief, but will be required to argue both sides during the competition.
2. Briefs shall be a maximum of thirty (30) pages, excluding preliminary materials (see items a through e below). Briefs must be typed on eight and one-half by eleven inch (8 ½" x 11") paper. Briefs shall be submitted in the format used by the United States Supreme Court. The brief must be bound and include the following sections in the following order:
 - a. Cover Page;
 - b. Questions Presented;
 - c. Table of Contents;
 - d. Table of Authorities;
 - e. Jurisdiction Statement;
 - f. Statement of the Case;
 - g. Summary of the Argument;
 - h. Argument; and
 - i. Conclusion

No appendix is necessary or expected. The thirty (30) page limit begins with the Statement of the Case.

3. The cover page for the petitioner must be blue. The cover page for the respondent must be red. **Your school name or the names of the team members must NOT appear on the actual brief.** Each team will be assigned a team number, which must be placed on the Cover Page.

4. Each typed page should have one inch (1”) margins on each edge of the page. The font must be twelve-point Times New Roman, and lines must be double-spaced. This limitation does not apply to the cover page. Briefs must be printed single-sided.
5. The form of citations within the brief shall be in accordance with the rules in *Bluebook: A Uniform System of Citation*, Harvard Law Review (18th Edition).
6. **Each team must submit five (5) bound copies of the brief and one electronic copy on a CD-ROM. The electronic copy must be in Microsoft Word format. Each team must also submit an electronic copy of the brief to firstamendment.wcl@gmail.com by 11:59 PM on October 2, 2009. Briefs should be submitted to:**

Wechsler First Amendment Moot Court Competition
Attn: Christie Stahlke and Catrina Shivers, Directors
Washington College of Law
Moot Court Honor Society, Suite 539
4801 Massachusetts Avenue, NW
Washington, DC 20016

7. Briefs must be **postmarked by OCTOBER 2, 2009**. Late briefs will receive a ten (10) point penalty, to be deducted from the total brief score.
8. To receive credit in the case of lost briefs, you must provide evidence of the brief’s deposit into the mail, such as a tracking number obtained by the U.S. Post Office, and bring this information to the Competition.
9. All briefs will be published on the Competition’s website. Participants may consult other teams’ briefs in preparation for oral arguments.
10. The Jurisdiction Statement in each team’s brief should read:

A Formal Statement of Jurisdiction has been omitted in accordance with the Rules of the Washington College of Law’s Burton D. Wechsler First Amendment Moot Court Competition.

11. Citation to the problem should take the following form: “(J.A. at **.)”
12. Problem clarification questions must be submitted to firstamendment.wcl@american.edu by **5:00 PM on September 2, 2009**. Responses to clarification requests received by the deadline will be posted on the Competition’s website by 5:00 PM on September 7, 2009.
13. Teams are prohibited from receiving “outside help” during the brief-writing process. Outside help is defined as assistance from any person who is not a

member of that team. This includes, but is not limited to, faculty, coaches, and team members from a second team representing the same school. However, teams may receive outside help upon final submission of the brief for purposes of oral argument preparation. **Any violation of the “outside help” rule may result in immediate disqualification from the competition.**

V. BRIEF SCORING

1. Briefs are scored out of a maximum of 100 points. Each brief will be scored two times by members of the Moot Court Honor Society. If there is more than a ten (10) point difference between the two scores, the brief will be scored by a third judge.
2. Law school names will not be known to any person grading the briefs or judging the Competition. Each participating team will be assigned a number and will be identified only by this number. **Any violation of this rule or attempt to identify a team’s law school to a brief grader or a judge may result in that team’s immediate disqualification from the competition.**
3. The brief score will constitute fifty (50) percent of the team’s score for each preliminary round of the Competition. The brief score will constitute thirty-five (35) percent of the team’s score for the Octofinal Round, twenty (20) percent for the Quarterfinal Rounds, and zero (0) percent for the Semifinal and Final Rounds.
4. Criteria: Briefs will be graded according to the following criteria:
 - a. Compliance with the formal requirements set forth in these Rules and the General Instructions;
 - b. Recognition of issues presented by the problem;
 - c. Structure of the competitors’ arguments;
 - d. Application of appropriate law to facts;
 - e. Use of authorities;
 - f. Argumentative headings;
 - g. Legal writing style;
 - h. Ability to address and persuade against Opponent’s arguments;
 - i. Proper use of citation form in accordance with the Bluebook (18th Ed.); and

- j. Proper format in accordance with Supreme Court brief requirements.
5. Neither briefs nor brief grading forms will be returned to competitors. However, oral argument and brief scores will be published on the competition website shortly after the conclusion of the Competition.

VI. ORAL ARGUMENT

1. Three members may participate in the oral argument rounds, but only two members may represent the team during any given oral argument round. For example, during the first round, Team Member A may argue the first issue and Team Member B may argue the second issue. During the second round, Team Member C may argue the first issue and either Team Member A or Team Member B may argue the second issue. All oralists' scores will be considered for the Best Oralist Award, regardless of the number of times they represented their team in oral argument.
2. There will be two (2) preliminary rounds, an octofinal round, a quarterfinal round, a semifinal round, and a final round. The first two rounds will be conducted in a non-elimination format and will be structured such that each team will argue each side of the case one time.
3. There is a possibility that teams advancing to the Octofinal, Quarterfinal, and Final Rounds will be required to argue off-brief. If possible, teams will argue on-brief. However, if there is a conflict, the team with the lower advancing score will argue off-brief. Judges are not informed as to whether a team is arguing on-brief or off-brief.
4. Each elimination round is scheduled without regard to the identity of the teams. As a result, **those law schools with two participating teams face the possibility of their teams competing against each other beginning with the Octofinal Round.**
5. Prior to each argument, the participants shall inform the bailiff of the order in which they will speak and the manner in which they will divide the allotted argument time. Each team will be allowed a total of thirty (30) minutes of argument time, including rebuttal time (petitioner only) and questions from the bench. The rebuttal time must be a maximum of five (5) minutes and may be taken entirely from one speaker's allotted time, or shared between the two speaker's allotted time.
6. A bailiff will signal the speaker when five (5), three (3), and one (1) minute(s) of each speaker's argument time remains. When the bailiff informs the speaker that his or her time has expired, the speaker must immediately end his or her presentation, or when appropriate, request additional time to briefly conclude.

VII. ADVANCEMENT

1. Teams will advance based on scores computed as follows:

- a. Preliminary Rounds: For the first and second rounds, fifty (50) percent will be based on the brief score, and fifty (50) percent will be based on the oral argument score. Upon completion of both preliminary rounds, an aggregate score calculation will be compiled, including each team's brief score and oral argument scores. The top sixteen (16) teams will advance. The advancing teams will be seeded into a single-elimination bracket for the Octofinal Round. The bracket will be displayed in a visible and public place.
- b. Octofinal Round: Thirty-five (35) percent will be based on the brief score, and sixty-five (65) percent will be based on the oral argument score. The eight (8) teams with the highest scores in their rooms will advance. The advancing teams will be seeded into a single-elimination bracket for the Quarterfinal Round. The bracket will be displayed in a visible and public place.
- c. Quarter-Final Round: Twenty (20) percent will be based on the brief score, and eighty (80) percent will be based on the oral argument score. Single elimination advancement. The four (4) teams with the highest scores in their rooms will advance. The advancing teams will be seeded into a single-elimination bracket for the Semifinal Round. The bracket will be displayed in a visible and public place.

In the event of a tie in either the preliminary, Octofinal, or Quarterfinal Rounds, the team with the higher oral argument score will advance.

- d. Semifinal Round: This Round will be based one hundred (100) percent on the oral argument score. The two (2) teams with the highest scores in their rooms will advance to the Final Round.
- e. Final Round: This Round will be based one hundred (100) percent on the oral argument score. The Final Round Panel will determine the Tournament Champion.

VIII. **AWARDS**

1. Awards will be given in the following categories:
 - a. Tournament Champion (prize money)
 1. Competition Runner-Up (prize money)
 2. Semifinalists (2)
 - b. Best Brief (prize money)
 1. Best Brief, Runner Up
 - c. Best Oralist (prize money)
 1. Best Oralist, Runner Up

IX. **EMERGENCY CONTACT INFORMATION**

1. In case of emergency, competitors should contact Competition Director Christie Stahlke at (510) 207-1355.